

### **Remarks**

Claims 1-20 are pending.

Claims 1-20 are rejected by the Examiner.

### **Response to Arguments**

In the response to arguments, the office action states, “it is noted that the features upon which the applicant relies (metadata server) is not recited in the rejected claims. However, claim 1, line 7, claim 15, line 5, and claim 9, line 3, all recited a metadata repository. Therefore, the response to arguments would seem to be in error.

Further, the office action states that Seed, et al., teaches that an object is replicated into storage when the popularity of the object is greater than the initial threshold. However, the Seed is directed to copying the file from one server to another within the server network which the users access. The file is already stored on a server. In the claim language of claim 15, to which those remarks in the previous response were directed, the file does not reside in any server, but is still with the user. The file is copied to the metadata repository in claim 15, which does not exist in Seed.

### **Response to Claim Rejections**

Claims 1, 3-7, 13-14, 19-20 are rejected under 35 USC 103(a) as being unpatentable over Adams (US Publication No. 2002/0046232) in view of Hanson (US Publication No. 2004/018487) and further in view of Dobbins (US 2004/0199604).

The office action states, “Adams and Hanson do not explicitly teach bandwidth being allocated to the file-share user at a first level and wherein the bandwidth is allocated to the querying user at a second level lower than a first level.” Applicant agrees with this statement.

The office action relies upon Dobbins, paragraph 111, lines 1-8 to teach a file-sharing user being allocated at a first level, and being allocated to a querying user at a second level at lines 25-28. However, paragraph 111 of Dobbins is directed to only one user and only one download. The subscriber at client node 1120 selects a files for download from server node 1110. The server node 1110 then readies the file for download by a preferred transport. The text is somewhat confusing as many of the reference numbers referred to in the specification are not on Figure 15 or any other figure.

The server node 1110 then transmits the content over the network through the cable modem (1120), which must be the modem just next to the server node 1110, to the termination system (1140), which is next in the path from the server 1110, to the IP access router (also referred to as 1140), next to the termination server three items to the right of the communications node, to the Internet cloud 1160 at the far right of the drawing. The content then travels from the Internet along the path to the Internet communication node (client node) 1120 through the IP router at the top of the figure (1170), through the preferred transported (1180), to the client modem 1120.

Therefore, there is only one download and only one class or type of user, a querying user. File-sharing users are users that share files, as the name states. The user in Dobbins is not sharing files with the network, that user is merely querying and accessing files. The transactions that occur in transferring that file to the sole user may take several steps, but there is only one user class.

Further, there is only one level of bandwidth allocation. There is no indication in the paragraph that users are in any way enabled to purchase higher bandwidth, as was stated in the office action. There is no allocation of bandwidth based upon the user's status. The bandwidth

allocation is done by the system, transparent to the user, to fit the system needs. See paragraph 111, bottom of page, “The preferred transporter can also enforce general access network policies...” The preferred transporter is governed by the policies of the network, not the status of the user.

Claims 1 and 19 require that bandwidth be allocated by user’s status. In claim 1, for example, it requires, “receiving and storing the metadata from the file-sharing user, bandwidth *being allocated to the file-sharing user at a first level;*” and “transmitting an identification of the shared file to the querying user, wherein *bandwidth is allocated to the querying user at a second level lower than a first level.*” As stated above, the combination of Adams, Hanson and Dobbins does not teach two different allocations of bandwidth based upon the user’s status or role in the network.

Claim 19 requires, “establishing *at least two classes of users* that interact with a metadata repository over a network, the at least two classes including *a sharing class* that primarily provides data and *a searching class* that primarily searches for data and *higher levels of network resources are allocated to the sharing class than allocated to the searching class...*” As discussed above, the combination of references does not teach these two classes of users, or allocation of bandwidth between them being different.

It is therefore submitted that claims 1, 3-7, 13-14, and 19-20 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 2, 9-11 are rejected under 35 USC 103(a) as being unpatentable over Adams (US Publication No. 2002/0046232) in view of Hanson (US Publication No. 2004/018487) and further in view of Barker et al. (US 2002/0143976) and further in view of Dobbins.

Claims 2 and 9-11 depend from claim 1 and inherently include all of the limitations of the base claim. As discussed above, the prior art does not teach the limitations of the base claim much less the further embodiments of the dependent claim. The addition of Barker to the combination does not overcome the deficiencies of the previous combination.

It is therefore submitted that claims 2 and 9-11 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 8 was rejected under 35 USC 103(a) as being unpatentable over Adams in view of Hanson and in view of Dobbins and further in view of Seed (US Publication No. 2006/0015574).

Claim 8 depends from claim 1 and inherently includes all of the limitations of the base claim. As discussed above, the prior art does not teach the limitations of the base claim much less the further embodiments of the dependent claim. Seed does not overcome the deficiencies of the previous combination.

It is therefore submitted that claim 8 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claim 12 is rejected under 35 USC 103(a) as being unpatentable over Adams in view of Hanson and Dobbins and further in view of Kasper (US Publication No. 2003/0217152).

Claim 12 depends from claim 1 and inherently includes all of the limitations of the base claim. As discussed above, the prior art does not teach the limitations of the base claim much less the further embodiments of the dependent claim. Seed does not overcome the deficiencies of the previous combination.

It is therefore submitted that claim 12 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claims 15-18 are rejected under 35 USC 103(a) as being unpatentable over Adams in view of Hanson and further in view of Seed (US Pub. No. 2006/0015574) and further in view of Kasper.

As stated above in the Response to Arguments section, Seed does not teach storing a shared file to a metadata repository based upon a number of requests for a file. Seed teaches replication of the file from one server to the other, not from a user to a central metadata repository.

Further, claim 15 has been amended to include the bandwidth allocations addressed above with regard to user roles and status in the network, which is not taught by the combination of references of Adams, Hanson and Seed, or the combination of Adams, Hanson, Seed and Dobbins.

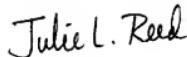
No new issues raised.

This amendment to claim 15 does not raise new issues requiring search as those issues have been present in the other independent claims in the patent application.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,  
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